

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CV. NO. 06-00629 DAE-LEK
)	CR. NO. 04-00322 DAE
Respondent-Appellee,)	CV. NO. 06-00632 DAE-LEK
)	CR. NO. 05-00049 DAE
vs.)	
)	
ABRAHAM NGUYEN MARTIN,)	
)	
Petitioner-Appellant.)	
_____)	

ORDER DENYING PETITIONER'S SECOND MOTION FOR
CLARIFICATION AND CORRECTION OF RESTITUTION ORDER

Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing. After reviewing Petitioner's motion and the supporting memoranda, the Court DENIES Petitioner's Second Motion for Clarification and Correction of Restitution Order.

DISCUSSION

On December 28, 2007, Petitioner filed two motions: (1) Analysis of the District Court's Order Denying Appellant's Motion for COA; and (2) Motion for Clarification and Correction of Restitution Order ("First Motion for Clarification"). On January 15, 2008, the Court issued an order denying all claims set forth in Petitioner's motions (Doc. # 188). On January 29, 2008, Petitioner

filed the instant Second Motion for Clarification and Correction of Restitution Order (“Second Motion for Reconsideration”).

The Second Motion for Reconsideration (1) introduces no new arguments or information showing mistake, inadvertence, surprise, or excusable neglect; (2) presents no newly discovered evidence; (3) puts forward no new information or claims of fraud, misrepresentation, or other misconduct of an adverse party; (4) makes no new arguments as to why the judgment is void; (5) presents no new claims on why the judgment is no longer equitable; or (6) gives any other reason justifying relief from the operation of the judgment. Fed. R. Civ. P. 60(b). Instead, the instant motion merely reiterates the points made in Petitioner’s First Motion for Clarification. The Court sufficiently addressed Petitioner’s arguments in its January 15, 2008 order and, as noted in that order, has addressed Petitioner’s similar arguments on numerous previous occasions. The Court therefore declines to re-address the instant motion’s claims and DENIES Petitioner’s Second Motion for Reconsideration.

CONCLUSION

For the reasons stated above, the Court DENIES Petitioner's Second Motion for Clarification and Correction of Restitution Order.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, March 7, 2008.





David Alan Ezra
United States District Judge

United States vs. Martin, Civil No. 06-00629 DAE LEK; Criminal No. 04-00322 DAE; Civil No. 06-00632 DAE LEK; Criminal No. 05-00049 DAE; ORDER DENYING PETITIONER'S SECOND MOTION FOR CLARIFICATION AND CORRECTION OF RESTITUTION ORDER